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August 21, 2018

VIA ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Ranieri, et al.*, 18-cr-204 (NGG)

Dear Judge Garaufis:

We write on behalf of all defendants to inform the Court of the status of discovery. At the last court appearance the Government stated that there were approximately 60 electronic devices and/or accounts that would be produced to defendants. We have asked the Government to provide us an index of discovery to be produced and to have a meet and confer to discuss timing and format of discovery. This is the DOJ's suggested procedure for managing discovery in cases involving large amounts of electronic discovery. *See* Recommendations for Electronically Stored Information (ESI) Discovery Production in Federal Criminal Cases (2012), *Dep't of Justice and Admin. Office of the U.S. Courts Joint Working Grp. on Elec. Tech. in the Criminal Justice Sys.*, available at <https://www.fd.org/sites/default/files/Litigation%20Support/final-esiprotocol.pdf>.

To date, the Government has refused to meet with defense counsel to discuss discovery and has not responded to requests for a list of what discovery will be produced or a timetable for such productions. The Government has provided the new defendants¹ with eight discs of discovery containing approximately 39 GB of data thus far and has requested a five-terabyte hard drive to provide more discovery. The Government has not, however, indicated what materials are being produced on this drive, what additional materials will remain to be produced after this, when the searches of email accounts and devices for responsive materials will be complete, and what the total volume of discovery is anticipated to be.

¹ Counsel for Defendant Kathy Russell has recently filed a Notice of Appearance in the case and has not yet received any discovery.

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The Court has set a trial date of January 7, 2019. We are concerned that without a timeline and index indicating what the full scope of discovery will be, the Court and defendants will be unable to assess whether this trial date is feasible and defendants will be unable to meet and confer with the Government on a realistic motion schedule in advance of our next Court appearance, as directed by the Court. Accordingly, we ask that the Court order the Government to immediately produce an index and an anticipated timeline for future productions in this case.

Respectfully submitted,

/s/

Susan R. Necheles